



Workforce Innovation and Opportunity Act (WIOA)

UPDATE

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DOR Vision

Employment, Independence, and Equality for all Californians with Disabilities

DOR Mission

The California Department of Rehabilitation works in partnership with consumers and other stakeholders to provide services and advocacy resulting in employment, independent living and equality for individuals with disabilities.

WIOA: Unified/Combined State Plan

- President Obama signed the WIOA on July 22, 2014.
- It makes changes to the Rehabilitation Act of 1973 and replaces the Workforce Investment Act of 1998 (WIA).
- WIOA requires a Unified/Combined State Plan
- WIOA requires that states submit a Unified State Plan for all core programs.

State Agencies in Unified/Combined State Plan



Workforce Development Activities

29 USC sections 3111-3255

- Congressional Intent: A more collaborative and integrated delivery system to ensure access for all individuals, of every skill level, the opportunity to pursue the skills, training, and education they need to obtain employment that will lead to financial stability and economic security.
- Structure of the System – Six core programs include:
 - Title I: Adult Program, Dislocated Worker Program, and Youth Program.
 - Title II: Adult Education and Literacy Program.
 - Title III: Wagner-Peyser Act Employment Services Program.
 - Title IV: Vocational Rehabilitation (VR) Program.
 - Title V: General Provisions

Competitive Integrated Employment (CIE)

29 USC 705(5)

- Congressional Intent: The WIOA places heightened emphasis on the achievement of competitive integrated employment (commonly referred to as “C-I-E”).
- CIE includes but is not limited to customized employment, self-employment, telecommuting, business ownership, or supported employment.
- CIE sets the standard for compensation, integration, and advancement.

Competitive Integrated Employment (CIE) Final Rules

- CIE requirements include a location typically found in the community where the consumer interacts for the purpose of performing the duties of the position with other employees within a particular work unit and entire work site, and, as appropriate to the work performed, other persons without disabilities to the same extent that employees without disabilities in comparable positions interact with these persons. (34 CFR 361.5(c)(9).)

Services to Youth

- Congressional Intent: To ensure that youth have meaningful opportunities to receive the training and other services needed to achieve employment outcomes in competitive integrated employment.
- The WIOA emphasizes transition services for youth with disabilities, ages 14 to 24.
- The WIOA places heightened emphasis on the provision of transition services to students with disabilities, ages 16 to 21, including “Pre-Employment Transition Services.”

Student with a Disability

29 USC 705 (37)

- A Student with a Disability (SWD) is defined as an individual with a disability who is not younger than 16 or older than 21 years, and is:
 - Eligible for, and receiving, special education or related services under the Individuals with Disabilities Education Act (IDEA); or,
 - An individual with a disability for purposes of Section 504 of the Rehabilitation Act.

Pre-Employment Transition Services (PETS)

29 USC 733

- Pre-Employment Transition Services are for students with disabilities (SWD), ages 16 to 21.
- The DOR must spend **15%** of its VR grant to arrange or provide Pre-Employment Transition Services to SWD.
- The five required Pre-Employment Transition Services include the following activities:
 1. Job exploration counseling
 2. Work-based learning experiences
 3. Counseling related to post-secondary opportunities
 4. Workplace readiness training
 5. Self-advocacy training

Supported Employment (SE)

29 USC 705(38)

- Congressional Intent: To maximize the potential of individuals with disabilities, especially those with the most significant disabilities, to achieve CIE and to expand services for youth with the most significant disabilities.
- DOR must reserve at least 50 percent of the supported employment (SE) program allotment for SE services to youth with the most significant disabilities.
- The WIOA amends the definition of “supported employment” to make clear that SE outcomes must be in CIE.
 - Or, if in an integrated setting that is not CIE, then in an integrated setting in which the individual is working on a *short-term* basis toward achievement of CIE.
- Expands SE from 18 to up to 24 months, as appropriate.

Subminimum Wage

29 USC 794(g)

- Congressional Intent: To reinforce that individuals with disabilities should not be allowed to languish in subminimum wage jobs.
- Clarifies requirements for VR programs, employers, and education agencies before an individual can enter or stay in subminimum wage employment.
- The WIOA imposes requirements on employers who hold special wage certificates under the Fair Labor Standards Act:
 - Before the employers may hire youth with disabilities; or,
 - Continue to employ individuals with disabilities of any age at the subminimum wage level.
- The DOR may no longer count a consumer in a subminimum wage placement as a successful employment outcome, as of July 1, 2016.